



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

JUANITA COLLECT JONES,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY
ADMINISTRATION,

Defendant.

§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 1:19-CV-440

**ORDER OVERRULING OBJECTIONS AND ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Pursuant to 28 U.S.C. § 636(b), Federal Rule of Civil Procedure 72, and the Local Rules for the Eastern District of Texas, the Court referred this Social Security appeal to United States Magistrate Judge Keith F. Giblin for consideration and recommended disposition. On March 10, 2021, Judge Giblin submitted a report recommending that the Commissioner's decision be affirmed and Plaintiff's complaint be dismissed. [Dkt. 15].

On March 24, 2021, Plaintiff filed objections to the magistrate judge's report. [See Dkt. 16]. The Court conducted a *de novo* review of the magistrate's findings, the record, the relevant evidence, the specific objections, and the applicable law. See 28 U.S.C. § 636(b)(1); see also FED. R. CIV. P. 72(b). The Court has considered the Report and Recommendation, [Dkt. 15], and Plaintiff's objections, [Dkt. 16]. After careful consideration, the Court concludes that

Plaintiff's objections are without merit. Therefore, the Court ACCEPTS the magistrate judge's recommendation, OVERRULES Plaintiff's objections, and AFFIRMS the Commissioner's denial of benefits.

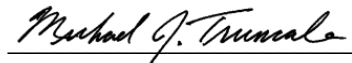
First, Plaintiff objects to the magistrate judge's determinations that the ALJ properly considered Plaintiff's three hospitalizations and medical records documenting her hallucinations and delusions. [Dkt. 16 at 8, 11]. Here, the magistrate judge correctly determined that substantial evidence supports the ALJ's consideration of Plaintiff's hospitalizations and reports of hallucinations and delusions.

Next, Plaintiff objects to the magistrate judge's determination that the ALJ appropriately weighed Dr. Larned's opinion. [*Id.* at 14]. Plaintiff argues that the ALJ failed to properly evaluate Dr. Larned's opinion because the ALJ failed to discuss evidence favorable to Plaintiff. [*Id.*]. "The ALJ is free to reject the opinion of any physician when the evidence supports a contrary conclusion." *See Garcia v. Berryhill*, 880 F.3d 700, 705 n.7 (5th Cir. 2018) (quoting *Newton v. Apfel*, 209 F.3d 448, 455 (5th Cir. 2000)). The Court may not reweigh the evidence or substitute its judgment for the Commissioner's. *Harrell v. Bowen*, 862 F.2d 471, 475 (5th Cir. 1988). The issue is not whether other conclusions are possible, but whether the conclusion reached is supported by substantial evidence. *Selders v. Sullivan*, 914 F.2d 614, 617 (5th Cir. 1990). Therefore, the magistrate judge correctly determined that substantial evidence supports the ALJ's consideration of Plaintiff's medical record and the weight accorded to Dr. Larned's opinion.

The Court concludes that the magistrate judge accurately identified and discussed the points of error argued by Plaintiff and analyzed the points correctly. The magistrate judge properly examined the entire record to determine that substantial evidence supports the ALJ's assessments and determinations and the Commissioner's denial of benefits.

Accordingly, all of Plaintiff's objections are **OVERRULED**. [Dkt. 16]. The Court **ADOPTS** the Report and Recommendation, [Dkt. 15], and **AFFIRMS** the Commissioner's denial of benefits. The Court will enter final judgment separately in accordance with the magistrate judge's recommendation.

SIGNED this 31st day of March, 2021.

A handwritten signature in cursive script, reading "Michael J. Truncala", written in black ink.

Michael J. Truncala
United States District Judge